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NPRM: SFAR71

Hawaii air tours suffer from a nine year restriction on flight and airspace. This is a response to the Notice of Proposed Rule Making by the FAA for air tour operators in the state of Hawaii.

A special federal aviation regulation part 71 draws comments and concerns in Hawaii for the restriction of helicopter tours over that state. It expires on October 26, 2003 and will be proposed to stand for another three years unless found unpractical and enough complaints and concerns are heard. Limiting helicopter tours to a minimum flight altitude of 1500 ft AGL and 1500 ft from any person or object hinder helicopter and tour capabilities and deny customer expectancies. More importantly, it introduces a potential risk in mid air collisions due to the high minimum and helicopter ceiling. In Hawaii where the cloud ceiling is usually pretty low, it severely limits aircraft usage and tour flight days available, and creates an unsafe flight zone in an overcrowded and overused flight level.

Several other requirements were implicated to the tour organizations in Hawaii like filing a performance plan before each flight and restricting flight over water or coast to helicopters equipped with floats incase of emergency landings. The 1500 ft minimum is defendable and feasible over structures and objects, but other areas should be reexamined for a lower minimum for helicopters, perhaps around 300 ft AGL. Many believe that rules regulating helicopter flight should be the same throughout the nation and not different in one area. Also concerns for the flight level allowing for fixed wing

aircraft to be able to fly under the minimum to stay below tour flights is more dangerous and hazardous for potential mid air collisions. In addition, noise pollution would be greater in towns and communities on the coast where the planes would be flying low and are even less maneuverable than helicopters.

The FAA has weighed the cost of the proposed rule and found the benefits to outweigh the total cost of the rule. Even though the rule will and does impact smaller tour companies throughout Hawaii, the FAA has decided that the cost of the precautions and procedures and maintenance will stand and in the end save an approximate thirty nine lives.

I believe the cost analysis is accurate and necessary in the safety and prevention of injury or fatality. I also agree with several others that the minimum flight altitude currently set by SFAR 71 to be over demanding and at time ridiculous on restraining capabilities for both helicopters and the company they fly for. This flight restriction should be reviewed and changed to a level that is both very accessible and safer for helicopter flight at a level of at least 500 ft AGL.

At least three lawsuits have already been brought against the rule stating that international trade agreements and the small Business Regulatory Enforcement Fairness Act of 1996 have been breached. These lawsuits have been analyzed by the FAA and rejected due to the fact that these operations only significantly affect domestic businesses and the rule is necessary in the precaution of safety and disaster cost.

I agree with the findings of the FAA and do not agree with those that believe that it is not fair to implicate such costs in training and maintenance to the operation of a commercial business involving the responsibility and duty of lives other than the pilots.

It serves a greater purpose to ensure every step taken to be safe and reliable in the operation of a tour service.

The SFAR 71 which is scheduled to be terminated in October 26, 2003 is in the FAA for permanent reinstatement and cancellation of the termination due to an overall success in safety. A concern for many still stands at the unfair regulation on the airspace ceiling and minimum altitude. If the regulation is admitted into the FAR then the rule will stand and will be much harder to change. If any change is to be made, it should consider the requests, complaints, and actual facts involving the flight restrictions outside of landing and short hover.

Overall, the SFAR 71 applied to Hawaii air tour operators should be reevaluated to allow a safer and more practical minimum flight level for helicopters and small aircraft above uninhabited areas to prevent potential risks in mid air collisions, and produce the optimal maneuverability and operating room for those aircraft. Other factors in the rule should remain to provide safety and assurance from customers, government, and operators in operation and training of flight tours. In the end, the cost of a life is immeasurable, and very difficult to justify a lack in maintenance and safety in the case of an accident where someone lost their life.

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